

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 11397 of 2007
Date of decision 30 . 7 .2007

M/s City Clinic Private Limited and another

.. Petitioner

Versus

Debts Recovery Tribunal and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE AJAY KUMAR MITTAL

PRESENT: Mr.P.K.Palli, Sr. Advocate with
Mr. Atul Sharma, , Advocate for the petitioner

M.M.Kumar, J.

This petition filed under Article 226 of the Constitution is directed against the order dated 12.7.2007 (Annexure P.2) passed by respondent no.2. The principal ground urged against the order dated 12.7.2007 is that it flagrantly violates the directions issued by the Debts Recovery Appellate Tribunal (for brevity 'the Tribunal') vide its order dated 12.4.2007 (Annexure P.8). It has also been submitted that the sale notice put on inter-net on the site of the Punjab and Sind Bank on 17.5.2007 also infringes the spirit of the order dated 12.7.2007 (Annexure P.2) passed by the Tribunal.

After hearing the learned counsel for the parties at some length, we have not been able to persuade ourselves to entertain the instant petition and are of the view that if there is any contravention of the order or directions issued by the Tribunal then the remedy of the petitioner is to file an appropriate application before the Tribunal rather than invoke the writ jurisdiction of this Court under Article 226 of the Constitution. Therefore, we deem it just and appropriate to relegate the petitioner to remedy of filing

appropriate application before the Tribunal which shall be decided in accordance with law.

Accordingly, we grant liberty to the petitioner to file the application within a period of two weeks and restrain the respondents from taking any coercive steps during the period of two weeks within which the application is to be filed by the petitioner. We make it clear that our stay order would not operate beyond the period of two weeks in any event.

The writ petition stands disposed of in the above terms.

(M.M.Kumar)
Judge

(Ajay Kumar Mittal)
Judge

30.7.2007
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